IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

W.P.L.NO.1778 OF 2006

Harischandra R.Gupta ..Petitioner

Vs.

The State of Mah. & 4 Ors. ..Respondents

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Mr.K.K.Jadhav with Mr.J.K.Jadhav Adv.
for Petitioner
Mr.P.A.Pol Adv.for Respondent No.4
Mr.V.R.Phal AGP for Respnodent Nos.1 to 3

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CORAM: F.I.REBELLO AND
SMT.V.K.TAHILRAMANI,JJ.
DATE : AUGUST 7,2006

P.C.

1. Rule. Heard forthwith.

2. The Respondent No.4 was the petitioner before this Court in W.P.No.852 of 2003. He had challenged the allotment of Ration Card in favour of petitioner herein. That petition was allowed on the ground that the petitioner's case that he had licence on permanent basis, was not considered.

3. Before the Revisional Authority, the petitioner

herein pointed out that document produced by Respondent No.4 was a bogus document as the premises stood in the name of Shri.Sakharam Kalya Mhatre. After this was filed, the office of the Revisional Authority sought for information from the area Officer of Ward 'H' of Kalyan-Dombivali Municipal Corporation by letter dated 26.8.2005, as to whether the premises stand in the name of Sakharam Kalya Mhatre or Ravindra Balaram Bhoir. The Reply was received on 3.9.2005 setting out that the premises are in the name of Sakharam Kalya Mhatre. It was further set out that the documents produced by Respondent No.4 in the name of Ravindra Blaram Bhoir is not shown in the records. Inspite of that, the Revisional Authority has not considered the said documents and allowed the Revision Application and set aside the order dated 18.10.2002. In our opinion, the impugned order suffers from error apparent on the face, inasmuch as the document on record was ignored while allowing the case of the Respondent No.4. Considering that, impugned order dated 28.4.2006 is set aside. Consquent to this order, if any of the parties are affected, the Competent Officer to make arrangements to permit the Ration Card Holders to draw rations from any other

food grain shops. The Revisional Authority is directed to dispose of the Revision Application considering what we have set out, at any rate not later than four months from today. Rule made absolute accordingly. No order as to costs.

[F.I.REBELLO, J.]

[SMT.V.K.TAHILRAMANI,J.]